

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Meath County

Planning Register Reference Number: TA/170926

An Bord Pleanála Reference Number: ABP-300429-17

APPEAL by ECO Advocacy CLG care of Kieran Cummins of Trammon, Rathmolyon, Enfield, County Meath against the decision made on the 14th day of November, 2017 by Meath County Council to grant subject to conditions a permission to Jonabrook Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of five number bonded warehouses, fire water retention pond, stormwater attenuation pond, access road, internal access routes, water tank and associated infrastructure and all associated site development works and access provisions to the R160 at Cloncowan, Longwood, County Meath. The proposed development will be classified as a lower tier establishment under the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, 2015 (COMAH Regulations 2015)

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the Meath County Development Plan 2013-2019 which includes policies and objectives in support of the rural economy and agriculture-related development including the food sector, the Board considered that the proposed development has locational requirements that can more readily be accommodated in a rural location than in an urban setting and which is provided for under Policy ED POL 21 of the development plan. Having regard to Section 4.7 - Prevention of Major Accidents and related policies ED POL 46, ED POL 47 and ED POL 49 which collectively require consideration of the Seveso III Directive requirements and having regard to the documentation on file and to the advice provided by the Health and Safety Authority to the planning authority on the effects of the proposed development on the risk or consequences of a major accident, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of public safety and compliance with the requirements of Directive 2012/18 EU (Seveso III), as transposed into Irish law by the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015. It is further considered that the development would not seriously injure the amenities of the area or property in the vicinity, would not give rise to an unacceptable traffic hazard and would not result in any unacceptable loss of or impact on ecological habitats or species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on the River Boyne and River Blackwater candidate Special Area of Conservation (site code 002299), the River Boyne and River Blackwater Special Protection Area (site code 004232), Mount Hevey Bog Special Area of Conservation (site code 002342), or any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of an Natura Impact Statement) is not, therefore, required.

Requirement for EIA

The Board considered that the proposed development would not come within any category within Part 2 of Schedule 5 of the Regulations and concluded that the proposed development is not a prescribed class of development for the purpose of section 176 of the Planning and Development Act 2000, as amended, and the requirement for EIA and the preparation of an EIA report does not arise.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 19th day of October, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The land and buildings to which this permission relates shall be utilised for purposes of maturation of spirit to whiskey only, unless a further grant of permission has been applied for and granted.

Reason: To define the use permitted by this permission.

3. Detailed specifications for all proposed external materials and finishes (including trade names) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. External cladding shall be dark green in colour.

Reason: In the interest of visual amenity.

4. Details of any external lighting to be used within the site shall be submitted to and agreed in writing with the planning authority prior to installation. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage out from the site boundary. No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

5. No development shall commence until a landscaping scheme has been submitted to and agreed in writing with the planning authority to suitably screen the proposed development over the life of the facility. The scheme shall comprise a planting plan and schedule which shall include details of:
 - (i) Existing and proposed ground levels in relation to an identified fixed datum;
 - (ii) Existing area of tree cover, landscaping features and vegetation to be retained;
 - (iii) Location design and materials of proposed boundary treatment, fences and gates;

- (iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority.

Any trees/shrubs which within a period of five years from the completion of the agreed landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

Reason: In the interests of visual amenity and to integrate the development into its surroundings.

- 6. The proposed vehicular access arrangement to the site and proposed roadside boundary treatment shall in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety and preservation of biodiversity.

- 7. The mitigation measures outlined in the ecological assessment report shall be adhered to.

Removal of vegetation shall not occur during the breeding bird season (1st March to 31st August). If this seasonal restriction cannot be accommodated, a suitably qualified ecologist with experience in nest-finding will be required to check all vegetation for nests (under licence from the National Parks and Wildlife Service to permit potential disturbance to nesting birds) prior to removal or trimming.

Reason: In the interest of protecting bird species.

8. The construction of the development shall be managed in accordance with the Construction Management Plan received by the planning authority on the 8th day of August 2017. This plan shall be updated as necessary to ensure compliance with statutory obligations and best construction practice.

Reason: In the interests of public safety and residential amenity.

9. Prior to commencement of development, a detailed closure, decommissioning and site restoration plan, including a timescale for its implementation should the development cease to operate on a permanent basis, shall be submitted to, and agreed in writing with, the planning authority. The site shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on cessation of the proposed development.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the reinstatement of public roads that may be damaged by construction transport.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.